

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 97-469-T - ORDER NO. 98-372

MAY 20, 1998

IN RE: Application of Sani-Mobile Environment,)	ORDER DENYING
LLC, 1120 Brumby Street, Charleston, SC)	MOTION TO COMPEL
29405, for a Class E Certificate of Public)	
Convenience and Necessity.)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Motion to Compel filed by Laidlaw Environmental Services (TG), Inc. (Laidlaw). Laidlaw moves pursuant to our Regulation 103-840 and Rule 37 of the South Carolina Rules of Civil Procedure for an Order compelling the Applicant in this case, Sani-Mobile Environment, LLC (Sani-Mobile or the Applicant) to provide full and complete responses to Laidlaw's interrogatories, or, in the alternative, to prohibit the Applicant from presenting evidence relating to the subject matter of the interrogatories. For the reasons stated, below, the Motion to Compel is denied.

Laidlaw complains about Sani-Mobile's responses to three types of questions: 1) questions regarding the effect of the public convenience and necessity on Sani-Mobile's Application and the facts on which Sani-Mobile bases its Application; 2) the type of equipment that Sani-Mobile intends to purchase if its authority is granted; and 3) contacts and contracts made by Sani-Mobile with regard to the transportation of hazardous waste. Laidlaw also complains about the failure of the Applicant to answer Interrogatory No. 13.

Sani-Mobile has filed a response to the Motion, and has included a response to the latter interrogatory.

As Sani-Mobile points out, our statute and regulation set forth the type of proof necessary before the Commission will award a Certificate of Public Convenience and Necessity for the transportation of hazardous waste. Therefore, the general answers furnished by Sani-Mobile to these questions are satisfactory. Likewise, as per the response, as Sani-Mobile does not yet engage in the transportation of hazardous waste for disposal, it does not have the ability to list any equipment owned by it for this purpose. We note that Sani-Mobile does attempt to list the type of equipment that it will purchase if granted the requested Class E Certificate. We hold that the responses to the equipment questions are also reasonable. With regard to the “contact” and/or “contract” information desired by Laidlaw, we note that the Applicant has indicated that it would furnish any surveys or data that is not client specific if and when it becomes available, but that Sani-Mobile is not willing to furnish specific contact or contract information, since it alleges that this is proprietary. Therefore, Sani-Mobile states that it is not willing to furnish proprietary or client specific information requested in interrogatories 8,9,10, 14, 15, and 28.

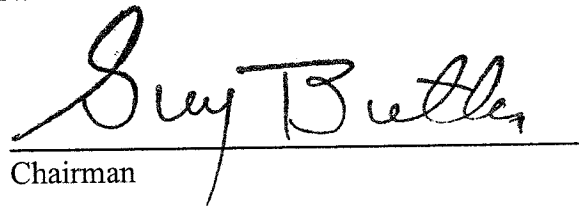
We have examined this latter part of Laidlaw’s Motion and Sani-Mobile’s response, and we must state that we agree with Sani-Mobile. We do not believe that client-specific information should be made available to Laidlaw at this time, in that such information is clearly proprietary, and is not a “public record,” pursuant to our

Regulation 103-804(Y)(2)(b). If Sani-Mobile can furnish non-client specific surveys or data, it should furnish these to Laidlaw, when and if such surveys become available.


Further, since Sani-Mobile has now furnished a response to Interrogatory No. 13, we believe that Sani-Mobile has properly and appropriately answered the interrogatories propounded by Laidlaw. The Motion to Compel is therefore denied.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)